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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

ORDER

10 JOHN MICHAUD,

Case No. 3:18-cv-00109-MMD-WGC

11 Plaintiff,

12 v.

**DEFENDANT'S MOTION FOR AN
ENLARGEMENT OF THE 90-DAY STAY**

13 SGT. MILLER, et al.,

14 Defendants.

15
16 Defendant William Miller, by and through counsel, Aaron Ford, Attorney General of the State of
17 Nevada, and Dennis W. Hough, Deputy Attorney General, hereby moves this Honorable Court for an
18 enlargement of the stay in this matter until August 14, 2019. This motion is based on Fed. R. Civ. P.
19 6(b)(1), the following memorandum of points and authorities, and all papers and pleadings on file herein.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. INTRODUCTION**

22 This case is an inmate civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 9 at 1. Plaintiff,
23 John Michaud (Plaintiff), is an inmate currently on parole. *Id.* The events at issue in Plaintiff's complaint
24 took place at Northern Nevada Correctional Center. *Id.* The Court recently set the Early Mediation
25 Conference for August 7, 2019 at 9:00 in Courtroom Number One in the United States Courthouse, Reno,
26 Nevada. ECF No. 12 at 1.

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II. DISCUSSION

A. Fed. R. Civ. P. 6(b)(1) allows this Court to extend deadlines.

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The proper procedure, when additional time for any purpose is needed, is to present to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such as an attorney’s “conflicting professional engagements” or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s diligence in seeking the continuance or extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

B. Good cause exists to enlarge the stay and allow the parties to continue settlement negotiations.

In the present case, the 90-Day stay expires before the date currently set for an Early Mediation Conference. It is appropriate that the Court’s timelines conform to the calendar realities.

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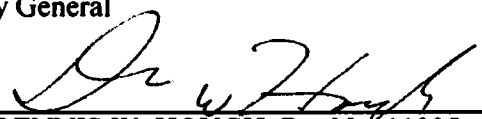
1 **III. CONCLUSION**

2 Defendant respectfully requests that the Court enlarge the time for stay until one week past the
3 currently set Early Mediation Conference. As such, the 90-Day Stay should be enlarged until August 14,
4 2019.

5 DATED this 8th day of July 2019.

6 AARON FORD
7 Attorney General

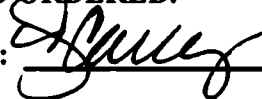
8 By:


9 DENNIS W. HOUGH, Bar No. 11995
10 Deputy Attorney General

11 *Attorneys for Defendant*

12 **IT IS SO ORDERED.**

13 DATED:


14 7/9/2019
15 U.S. MAGISTRATE JUDGE